

FORM PTO-1618A

Expires 06/30/99
OMB 0651-0027MARK: NUTRI-PLUS (Stylized)
IC: 31

12-30-1999

RECC

U.S. Department of Commerce
Patent and Trademark Office

TRADEMARK

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TO: The Commissioner of Patents and Tra

Submission Type

☒ New☐ Resubmission (Non-Recordation)
Document ID # ☐ Correction of PTO Error
Reel # Frame # ☐ Corrective Document
Reel # Frame #

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Conveyance Type

☒ Assignment☐ License☐ Security Agreement☐ Nunc Pro Tunc Assignment☐ MergerEffective Date
Month Day Year
☐ Change of Name☒ Other All rights including Goodwill

Final document(s) or copy(ies).

Conveying Party

☐ Mark if additional names of conveying parties attachedExecution Date
Month Day YearName Formerly ☐ Individual ☐ General Partnership ☐ Limited Partnership ☒ Corporation ☐ Association☐ Other ☒ Citizenship/State of Incorporation/Organization

Receiving Party

☐ Mark if additional names of receiving parties attachedName DBA/AKA/TA Composed of Address (line 1) Address (line 2) Address (line 3)

City

State/Country

Zip Code

☐ Individual ☐ General Partnership ☐ Limited Partnership☒ Corporation ☐ Association☐ Other ☒ Citizenship/State of Incorporation/Organization

If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative should be attached. (Designation must be a separate document from Assignment.)

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Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231TRADEMARK
REEL: 002004 FRAME: 0810

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

Correspondent Name and Address

Area Code and Telephone Number (256) 718-0078

Name

Conrad C. Pitts

Address (line 1)

Trademark Services, Inc.

Address (line 2)

401 E. Tuscaloosa St.

Address (line 3)

Address (line 4)

Florence, AL 35630

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

#

2

Trademark Application Number(s) or Registration Number(s)

☐

Mark if additional numbers attached

Enter either the Trademark Application Number or the Registration Number (DO NOT ENTER BOTH numbers for the same property).

Trademark Application Number(s)

Registration Number(s)

Number of Properties

Enter the total number of properties involved.

#

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41):

\$

40.00

Method of Payment:

Enclosed

☒

Deposit Account

☐

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

#

Authorization to charge additional fees:

Yes

☐

No

☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Conrad C. Pitts

Name of Person Signing

Signature

12/14/99

Date Signed

**ASSIGNMENT OF TRADEMARK
AND REGISTRATION THEREFOR**

1. SIMMONS FOODS, INC., a corporation of the State of Arkansas, having an address at Siloam Springs, Arkansas, is the owner by assignment (Reel/Frame I572/0371) of United States Trademark Registration 1,572,248 for the mark "NUTRI-PLUS (Stylized)," registered in the U.S. Trademark Office on December 19, 1989 and is the owner of the mark NUTRI-PLUS, for pet food.

2. SUNSHINE MILLS, INC., a corporation of the State of Delaware, having a place of business at Red Bay, Alabama, agrees to acquire the entire right, title, and interest of SIMMONS FOODS, INC. in and to such trademark "NUTRI-PLUS" and "NUTRI-PLUS (Stylized)" and the registration therefor No. 1,572,248.

3. SUNSHINE MILLS, INC. agrees to pay Ten Thousand Dollars (\$10,000) to SIMMONS FOODS, INC. for the entire right, title and interest of SIMMONS FOODS, INC. in the name and mark "NUTRI-PLUS," "NUTRI-PLUS (Stylized)" and the registration therefor and the goodwill associated therewith.

4. In consideration of the Ten Thousand Dollar (\$10,000) payment to SIMMONS FOODS, INC. from SUNSHINE MILLS, INC., SIMMONS FOODS, INC. does hereby assign, sell and convey to SUNSHINE MILLS, INC., the trademark "NUTRI-PLUS," "NUTRI-PLUS (Stylized)" and the registration therefor, No. 1,572,248, together with the goodwill associated therewith, and including the right to sue for past infringement if any there may be.

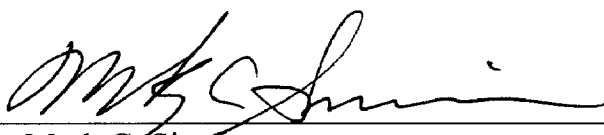
5. SIMMONS FOODS, INC. hereby agrees not to (a) use now or in the future, or (b) register or seek to register any mark which is confusingly similar to the mark being assigned.

6. SIMMONS FOODS, INC. hereby states and affirms that since registration, it has used the mark being assigned in commerce.

7. To the best knowledge, information and belief of SIMMONS FOODS, INC.,
SIMMONS FOODS, INC. has all rights in the assigned mark and is not aware of any other party
using or misusing said mark.

IN WITNESS WHEREOF, SIMMONS FOODS, INC., by its authorized
representative, hereby executes this Assignment as of this the 23rd day of September, 1998.

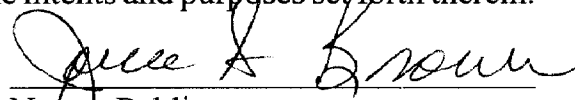
SIMMONS FOODS, INC.

By: 
Mark C. Simmons
Chairman of the Board

Date: 9-23-98

STATE OF ARKANSAS)
)
COUNTY OF BENTON)

Subscribed and sworn to before me this 23rd day of September, 1998, by MARK
C. SIMMONS to me known to be the Chairman of the Board of SIMMONS FOODS, INC., who
acknowledged that he did so in and of his own free will for the intents and purposes set forth therein.


Notary Public

My commission expires:

11-1-2002